IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21482 of 2004

Between:

M.Shiva Ram S/o.Mothiram

Chimanpally village, Srikonda Mandal,

Nizamabad.

..... PETITIONER

AND

1. The Deputy Transport Commissioner,

and Secretary, Regional Transport Authority, Nizamabad.

2. The Regional Transport Officer, Adilabad.

3. The Assistant Motor Vehicle Inspector, Bhainga, Adilabad.

4. The Sub-Inspector of Police, Bhansa (Town) Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the seizure and continued detention of petitioners vehicle LMV O/B commander Jeep bearing R.No.AP25E 2439 (E.NO:DS-42151 and C.No.DS-42151) seized under vehicle check report in C.No.99/J1/04 dated 06.09.2004 by the 4th respondent i.e., Sub-Inspector of Police Bhainsa (Town) Adilabad District and report in R.No.6457 dated 06.09.2004 by the 3rd respondent i.e., Assistant Motor Inspector, Bhainsa, Adilabad District as arbitrary, illegal, improper, unjust, unconstitutional and without jurisdiction and consequently direct the respondents to release the petitioners vehicle LMV O/B Commander Jeep bearing R.No.AP25E2439 (E.No:DS-42151 and C.No:DS-42151) forthwith to the petitioner

and to pass such other orders.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondent Nos.1 to 4: GP FOR TRANSPORT

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21482 OF 2004

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 4th respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP25E2439 vide check report No.99/J1/04 dated 06.09.2004 as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized by the 4th respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.99/J1/04. The petitioner filed an application before the first respondent on 16.11.2004 for grant of interim custody of the vehicle. Since the respondents have not passed any orders on the said application, the petitioner has come up with the present writ petition.

It is not desirable to keep the vehicle with the respondents since it gets damaged by exposing to sun and rain and hence, I deem it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing Rs.5,000/- (Rupees Five Thousand Only) and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall produce the vehicle as and when required by the

respondent-authorities in the course of enquiry and investigation. However, it is also made clear that after conducting enquiry, subject to payment of tax liability, the vehicle shall be released.

The writ petition is accordingly disposed of. No costs.

24.11.2004

Note:CC in two days

bo

usd

To

1. The Deputy Transport Commissioner,

and Secretary, Regional Transport Authority, Nizamabad.

2. The Regional Transport Officer, Adilabad.

3. The Assistant Motor Vehicle Inspector, Bhainga, Adilabad.

4. The Sub-Inspector of Police, Bhansa (Town) Adilabad District.

5. Two CCs to G.P. for Transport, High Court Buildings, High Court of A.P.

Hyderabad (OUT)

6. Two CD copies.